

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ben Gilmore	Team: Squad #9	CCRB Case #: 201508463	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 09/29/2015 5:47 PM	Location of Incident: § 87(2)(b); 79th Precinct stationhouse	Precinct: 79	18 Mo. SOL 3/29/2017	EO SOL 3/29/2017	
Date/Time CV Reported Tue, 10/06/2015 12:15 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 10/06/2015 12:15 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Richard Gadson	08528	928333	079 PCT
2. POM Kevan Williams	27838	929364	079 PCT
3. POM Gazi Sharif	08211	957157	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Richard Gadson	Abuse: At § 87(2)(b), in Brooklyn, PO Richard Gadson threatened to damage § 87(2)(b)'s property.	
B.POM Richard Gadson	Abuse: PO Richard Gadson entered § 87(2)(b) in Brooklyn.	
C.POM Kevan Williams	Abuse: PO Kevan Williams entered § 87(2)(b) in Brooklyn.	
D.POM Richard Gadson	Force: At § 87(2)(b), in Brooklyn, PO Richard Gadson used physical force against § 87(2)(b).	
E.POM Kevan Williams	Abuse: At the 79th Precinct stationhouse, PO Kevan Williams refused to provide his name and shield number to § 87(2)(b).	
F.POM Kevan Williams	Abuse: At the 79th Precinct stationhouse, PO Kevan Williams did not obtain medical treatment for § 87(2)(b).	
G.POM Gazi Sharif	Abuse: At the 79th Precinct stationhouse, PO Gazi Sharif did not obtain medical treatment for § 87(2)(b).	

Case Summary

On October 6, 2015, § 87(2)(b) called the CCRB and filed this complaint. There is no video footage of the incident.

On September 29, 2015, at approximately 5:47 p.m., PO Richard Gadson and PO Kevan Williams, both from the 79th Precinct, arrived at § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

PO Gadson and PO Williams were responding to a radio call to see a complainant at § 87(2)(b) § 87(2)(b). The complainant, § 87(2)(b), presented PO Gadson and PO Williams with a copy of an open UF61 (criminal complaint report). The UF61 listed § 87(2)(b) as the wanted subject of a misdemeanor menacing charge regarding an incident two weeks prior (Board Review 01).

PO Gadson, PO Williams, and a program administrator at §§ 87(2)(b) § 87(2)(b) § 87(2)(b) approached § 87(2)(b)'s apartment, apartment § 87(2)(b), and knocked. § 87(2)(b) alleged that PO Gadson told her that if she did not open her door that he would break it in (**Allegation A**). § 87(2)(b) eventually opened her door. § 87(2)(b) alleged that immediately after opening her door, PO Gadson entered her apartment (**Allegation B**). § 87(2)(b) alleged that PO Williams moved inside her apartment, just past the doorway (**Allegation C**). § 87(2)(b) alleged that PO Gadson grabbed her by her arm, pushing and pulling her out of her apartment, causing her foot to hit a coffee table and the front door (**Allegation D**). § 87(2)(b) said that she sustained a bruise to her left foot as a result.

§ 87(2)(b) was placed in handcuffs and transported to the 79th Precinct stationhouse (Board Review 17). § 87(2)(b) was lodged in a holding cell where she remained for approximately six hours (Board Review 02). § 87(2)(b) alleged that she asked PO Williams for his name and shield number, but he refused to provide it (**Allegation E**). § 87(2)(b) alleged that she repeatedly requested medical treatment in the presence of PO Williams and the officer who was assigned to monitor the holding cells, PO Gazi Sharif of the 79th Precinct, but her requests were denied for approximately four hours (**Allegations F and G**).

§ 87(2)(b) was released from the 79th Precinct holding cell at 11:55 p.m. with a Desk Appearance Ticket (Board Review 03). As § 87(2)(b) was released, an ambulance arrived and she received treatment from EMTs.

Mediation, Civil and Criminal Histories

- § 87(2)(b) was offered mediation during her in person interview with the CCRB on October 16, 2015, but § 87(2)(b) rejected it, § 87(2)(b) § 87(2)(b)
- On November 24, 2015, the New York City Comptroller's Office indicated that § 87(2)(b) had not filed a Notice of Claim regarding this incident (Board Review 04).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] § 87(2)(b)

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint which § 87(2)(b) has filed (Board Review 07).
- PO Richard Gadson has been a member of service for 14 years. He has been the subject of 11 previous CCRB allegations, one of which, ‘Abuse – Other’ was substantiated. § 87(4-b) § 87(2)(g)
- PO Kevan Williams has been a member of service for 14 years. He has been the subject of two previous CCRB allegations, neither of which was substantiated.
- PO Gazi Sharif has been a member of service for one year, and this is the first CCRB allegation made against him.

Potential Issues

- § 87(2)(b) testified that an ambulance was called for her as she was released from the 79th Precinct with a Desk Appearance Ticket. This was corroborated by both PO Williams and § 87(2)(b) an unrelated male who was in the 79th Precinct holding cell contemporaneously with § 87(2)(b). An Ambulatory Care Report and Event documentation request are both pending.

Findings and Recommendations

Explanation of Subject Officer Identification

- PO Williams and PO Gadson acknowledged responding to § 87(2)(b) and apprehending § 87(2)(b) alleged that the shorter of the two officers first entered her apartment. This was corroborated by § 87(2)(b) PO Gadson is 5’4” tall and PO Williams is 5’11” tall (Board Review 19). § 87(2)(b) said the shorter officer threatened to break down her door if she did not open it and used force against her. § 87(2)(g)

§ 87(2)(b) alleged that the taller officer stayed at the 79th Precinct with her and handed her the Desk Appearance Ticket. This was corroborated by PO Williams. § 87(2)(b) alleged that the taller officer entered her apartment, refused to provide his name and shield number to her, and refused to provide her with medical attention. § 87(2)(g)

- § 87(2)(b) alleged that a Hispanic male officer, 26-27 years old, with a petite build who was sitting at a desk which separated the male and female holding cells heard her repeated requests for medical attention, but he refused to provide her with medical attention. The 79th Precinct Prisoner Holding Pen Roster indicated that PO Sharif was guarding § 87(2)(b) while she was in the holding cell. PO Sharif is an Asian male, § 87(2)(b) years old, with a petite build who acknowledged sitting at a desk which separated the male and female holding cells while § 87(2)(b) was lodged there. § 87(2)(g)

Allegation A – Abuse of Authority: At § 87(2)(b) in Brooklyn, PO Richard Gadson threatened to damage § 87(2)(b)'s property.

On September 29, 2015, PO Richard Gadson and PO Kevan Williams received a radio call to see a complainant at § 87(2)(b), § 87(2)(f)

When PO Gadson and PO Williams arrived at § 87(2)(b) they were met by the complainant, § 87(2)(b)

PO Gadson and PO Williams were informed by § 87(2)(b) that another resident at § 87(2)(b) had an open criminal complaint against her for allegedly threatening § 87(2)(b) with a box-cutter two weeks prior.

PO Gadson, PO Williams, and § 87(2)(b) approached § 87(2)(b)'s apartment, located on the § 87(2)(b), and knocked. § 87(2)(b) alleged that PO Gadson told her that if she did not open the door he would break it in (Board Review 09).

PO Gadson and § 87(2)(b) acknowledged that § 87(2)(b) was reluctant to open the door, and that PO Gadson eventually entered the apartment without consent. Nevertheless, PO Gadson, PO Williams, and § 87(2)(b) unanimously testified that PO Gadson did not threaten to break down § 87(2)(b)'s door (Board Review 10-12).

§ 87(2)(g)

Allegation B – Abuse of Authority: PO Richard Gadson entered § 87(2)(b) in Brooklyn.

Allegation C – Abuse of Authority: PO Kevan Williams entered § 87(2)(b) in Brooklyn.

It is undisputed that the sole reason that PO Gadson and PO Williams were present at or inside of § 87(2)(b), was in regards to an open criminal complaint against § 87(2)(b) about an alleged misdemeanor two weeks prior. There was not a warrant for the arrest of § 87(2)(b). There was no search warrant for the location, nor was there an emergency or exigent circumstance at hand. It is further undisputed that § 87(2)(b) never provided her consent for a police officer to enter her apartment.

§ 87(2)(b) alleged that when she opened her door, PO Gadson immediately entered her apartment. § 87(2)(b) alleged that PO Williams then entered and stood just inside her apartment.

§ 87(2)(b) corroborated that PO Gadson entered into § 87(2)(b)'s apartment without permission, and that he stood approximately three or four feet inside of the apartment while § 87(2)(b) gathered additional clothes to wear. § 87(2)(b) testified that she placed her foot inside the doorway of § 87(2)(b)'s apartment to hold the door open while PO Gadson was inside the apartment. § 87(2)(b) testified that PO Williams stood next to her, but he never crossed the threshold into the apartment.

PO Gadson acknowledged that after § 87(2)(b) opened her door, either he or PO Williams stuck their foot in the door of § 87(2)(b)'s apartment to prevent the door from closing. PO Gadson explained that this was done because once § 87(2)(b) opened her door, because of the open criminal complaint, she was technically under police custody, and he and PO Williams had the

authority to enter § 87(2)(b)'s apartment to arrest her. PO Gadson denied that he or PO Williams ever entered further into § 87(2)(b)'s apartment.

PO Gadson also testified that prior to § 87(2)(b) opening her door, he or PO Williams “probably” instructed § 87(2)(b) to use her key to open § 87(2)(b)'s apartment door. PO Gadson said that § 87(2)(b) was instructed to do this because they had probable cause to arrest § 87(2)(b) and because it was a “half-way house,” so § 87(2)(b) did not “really have ownership,” of the apartment, but § 87(2)(b) did.

PO Williams denied that he or PO Gadson ever entered § 87(2)(b)'s apartment.

An officer entering a residence to make an arrest must possess a warrant, unless there is consent, an emergency, or exigent circumstances. People v. McBride, 14 N.Y.3d 440 (2010) (Board Review 13).

§ 87(2)(g)

§ 87(2)(b) and PO Gadson all testified that an officer entered § 87(2)(b)'s apartment.

§ 87(2)(g)

§ 87(2)(g)

Allegation D – Force: At § 87(2)(b) in Brooklyn, PO Richard Gadson used physical force against § 87(2)(b)

§ 87(2)(b) alleged that while she was gathering clothing, PO Gadson approached her inside of her apartment, grabbed her by her arm, and pulled her and pushed her out of her apartment. § 87(2)(b) said that PO Gadson's force against her caused her left foot to hit a coffee table inside her apartment and the door as she was pushed out of her apartment. § 87(2)(b) alleged that she sustained a bruise and an injury to the bone in her left foot as a result.

§ 87(2)(b) went to § 87(2)(b) and received treatment to her left foot for a “bone bruise,” (Privileged Records 01). The medical records indicate that § 87(2)(b)'s chief complaint was, “I have swelling to [left] foot since...falling” on October 2, 2015. The medical records also indicate that § 87(2)(b) complained of pain to her left foot after bumping it into a door several times in one day, but they do not specify which day.

§ 87(2)(b) PO Gadson, and PO Williams all denied that PO Gadson ever made physical contact with § 87(2)(b) inside her apartment, and all testified that they did not observe § 87(2)(b)'s foot make contact with a coffee table or door.

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

Allegation E – Abuse of Authority: At the 79th Precinct stationhouse, PO Kevan Williams refused to provide his name and shield number to § 87(2)(b)

It is undisputed that PO Gadson and PO Williams apprehended § 87(2)(b) and transported her to the 79th Precinct stationhouse. PO Gadson resumed patrol with a new partner, while PO Williams remained at the 79th Precinct stationhouse. § 87(2)(b) was lodged in the holding cell for approximately six hours before being released with a Desk Appearance Ticket.

§ 87(2)(b) alleged that while in the holding cell at the 79th Precinct stationhouse, she asked PO Williams for his name and shield number, but PO Williams ignored her request.

PO Williams denied that § 87(2)(b) ever asked him for his name or badge number. PO Gazi Sharif, who was assigned as the cell attendant while § 87(2)(b) was lodged, did not recall § 87(2)(b) nor did he recall PO Williams interacting with a prisoner on the day of the incident (Board Review 14). § 87(2)(b) who was lodged in the holding cell adjacent to § 87(2)(b) did not remember § 87(2)(b) asking an officer for their name or shield number, but he testified that he arrived at the stationhouse after § 87(2)(b) (Board Review 15). § 87(2)(b) another prisoner who was lodged in the holding cell while § 87(2)(b) was present, did not recall § 87(2)(b) asking an officer for their name or shield number, but § 87(2)(b) reported that he left the stationhouse prior to § 87(2)(b) (Board Review 16).

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Allegation F - Abuse of Authority: At the 79th Precinct stationhouse, PO Kevan Williams did not obtain medical treatment for § 87(2)(b)

Allegation G – Abuse of Authority: At the 79th Precinct stationhouse, PO Gazi Sharif did not obtain medical treatment of § 87(2)(b)

It is undisputed that § 87(2)(b) was held in the 79th Precinct holding cell for approximately six hours before she was released with a Desk Appearance Ticket. PO Williams was present at the 79th Precinct stationhouse for the duration of § 87(2)(b)'s detainment, and he issued her the Desk Appearance Ticket. PO Sharif, the cell attendant, was present at the desk adjacent to § 87(2)(b)'s holding cell for the entire time that § 87(2)(b) was lodged.

§ 87(2)(b) alleged that approximately two hours into her detainment she requested medical treatment from PO Williams (Board Review 20). § 87(2)(b) alleged that PO Williams treated her request like a joke and refused to call for an ambulance which § 87(2)(b) specifically requested from him. At one point § 87(2)(b) alleged that she repeatedly screamed for an ambulance, but one

was not provided for her until after she was issued a Desk Appearance Ticket, several hours later. § 87(2)(b) alleged that PO Sharif heard her repeated requests for medical attention, but he did not respond.

PO Williams denied hearing § 87(2)(b) ever request medical attention. PO Williams corroborated that § 87(2)(b) was treated by EMS at the 79th Precinct after he issued her the Desk Appearance Ticket, but he maintained that he was not aware of § 87(2)(b) ever requesting medical attention. PO Williams testified that he never checked on § 87(2)(b) after he originally lodged her in the holding cell. PO Williams testified that he physically handed § 87(2)(b) the Desk Appearance Ticket as § 87(2)(b) was released from the holding cell, but § 87(2)(b) did not say anything that he could recall.

PO Sharif acknowledged that he was behind the desk directly adjacent to the holding cell where § 87(2)(b) was lodged for the entire time of her detainment, and that he was the officer assigned to guarding her, but PO Sharif did not remember § 87(2)(b). PO Sharif testified that he did not hear any prisoner request medical treatment on September 29, 2015.

Two male prisoners, § 87(2)(b) and § 87(2)(b) who were lodged in the holding cell next to § 87(2)(b) corroborated that § 87(2)(b) requested medical attention. § 87(2)(b) told the CCRB that § 87(2)(b) constantly requested medical help for two to three hours, specifically referencing her cane and her foot, but that she never received medical attention at the point when § 87(2)(b) left the stationhouse. § 87(2)(b) testified that § 87(2)(b) complained aloud that she needed her cane and medication, and that at one point she screamed constantly for 20 minutes that she needed an officer. § 87(2)(b) said that in the middle of her screaming, § 87(2)(b) requested a medic, and that approximately 30-45 minutes later, EMTs arrived.

When a prisoner in custody requests medical treatment, an officer must request an ambulance and remove the prisoner to the hospital, NYPD Interim Order No. 35 (2012) (Board Review 17).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Squad:

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Attorney: _____
Title/Signature Print Date